

HOUSE BILL 3052
By Newton

AN ACT relative to enacting the "Drug or Alcohol Impaired Minor Responsibilities Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Drug or Alcohol Impaired Minor Responsibilities Act".

SECTION 2.

(a) Any person at least eighteen (18) years of age who willfully supplies alcoholic beverages or illegal drugs to a person under eighteen (18) years of age and causes the impairment of such person shall be liable for death or injuries to persons or property caused by the impairment of such person.

(b) A person, or the surviving spouse and next of kin of any person, who is injured, in person or property, by an impaired person under the age of eighteen (18), and a person under the age of eighteen (18) who is injured in person or property by an impairment that was caused by alcoholic beverages or illegal drugs that were willfully supplied by a person over eighteen (18) years of age, has a right of action in such person's own name, jointly and severally, for damages against any person:

(1) Who, by willfully selling, giving, or delivering alcoholic beverages or illegal drugs, causes or contributes to the impairment of the person under the age of eighteen (18); or

(2) Who, by willfully permitting consumption of alcoholic beverages or illegal drugs on non-residential premises owned or controlled by the person over the age of eighteen (18), causes or contributes to the impairment of the person under the age of eighteen (18).

(c) An action for damages under this section is barred unless commenced within two (2) years after the cause of action accrues.

SECTION 3. A person entitled to bring an action under this act may recover all of the following damages:

(1) Economic damages, including, but not limited to, the cost of treatment and rehabilitation, medical expenses, loss of economic or educational potential, loss of productivity, absenteeism, support expenses, accidents or injury and any other pecuniary loss proximately caused by the impairment of the person under the age of eighteen (18);

(2) Non-economic damages, including, but not limited to, physical and emotional pain, suffering, physical impairment, emotional distress, mental anguish, disfigurement, loss of enjoyment, loss of companionship, services, and consortium, and other non-pecuniary losses proximately caused by the impairment of the person under the age of eighteen (18);

(3) Reasonable attorneys' fees;

(4) Costs of suit, including, but not limited to, reasonable expenses for expert testimony; and

(5) Punitive damages.

SECTION 4. Neither contributory negligence nor contributory willful and wanton conduct shall apply to any injured party claiming damages under this act.

SECTION 5. A person may not bring an action under this act against a licensee or employee of a licensee under § 57-3-204 who supplies alcoholic liquor to a person under twenty-one (21) years of age for that act if the licensee or employee of the licensee complied with all applicable provisions of the law.

SECTION 6. This act shall take effect July 1, 2004 and applies only to causes of action that accrue on or after July 1, 2004.